

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

RICKY D. PATTON,)
Plaintiff,)
VS.) No. 18-2034-JDT-cgc
OFFICER PORTER, ET AL.,)
Defendants.)

**ORDER DISMISSING CASE WITHOUT PREJUDICE,
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS***

The *pro se* Plaintiff, Ricky D. Patton, filed a civil complaint and a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) At the time, Patton was incarcerated at the Shelby County Criminal Justice Center (Jail) in Memphis, Tennessee. On January 19, 2018, U.S. District Judge Sheryl H. Lipman granted leave to proceed *in forma pauperis* and assessed the civil filing fee pursuant to 28 U.S.C. §§ 1915(a)-(b). (ECF No. 4.) That order also required Patton to notify the Court immediately of any change of address and warned that failure to do so could result in dismissal of the case without further notice. (*Id.* at PageID 12.)

The case was reassigned to the undersigned Judge on February 1, 2019. (ECF No. 5.) On October 11, 2019, the Court issued an order partially dismissing the complaint and directing that process be served on one Defendant, Officer First Name Unknown Porter.

(ECF No. 6.)¹ Patton's copy of that order, sent to him at the Jail, was returned as undeliverable on October 29, 2019, with the envelope marked "RTS," "released" and "Return to Sender." (ECF No. 8-1.) Patton has submitted no change of address.

The most basic responsibility of a litigant is to keep the Court advised of his whereabouts. Patton has failed to do so, and it appears he has abandoned this action. Accordingly, this case is hereby DISMISSED without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

It is also CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a), that any appeal in this matter by Patton would not be taken in good faith. Leave to proceed on appeal *in forma pauperis* is, therefore, DENIED.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ The summons issued by the Clerk was returned unexecuted by the U.S. Marshal on December 20, 2019.